

**Meeting audio can be found at [lebanontownship.net](http://lebanontownship.net).**

**Lebanon Township Committee  
April 1, 2020**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Mike Schmidt called the meeting to order at 7:15 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

**FLAG SALUTE**

Mayor Schmidt asked everyone to please stand for the Flag Salute and for a moment of silence in honor of our Servicemen and Women and First Responders.

**ROLL CALL**

Present -	Mike Schmidt	Thomas McKee	Brian Wunder
	Marc Laul	Beverly Koehler	

Absent-

Also Present - Attorney Matt Lyons, Administrator James Barberio, Clerk Karen Sandorse and 4 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of March 18, 2020**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of March 18, 2020.*

**PUBLIC COMMENTS – for agenda items only.**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting.*

There were no comments from the public.

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.*

## **ORDINANCES**

### **Ordinance No. 2020-03 - Temporary Weight Restrictions**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-03 was opened.*

There were no comments from the public.

*Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-03 was closed.*

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2020-03 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE 2020-03  
AN ORDINANCE REGARDING  
TEMPORARY WEIGHT RESTRICTIONS

WHEREAS, the Township Engineer has certified, under his seal as a licensed professional Engineer, to the Mayor and Committee that due to certain construction projects being conducted along Hunterdon County Bridge L-6 County Route 513 receive temporary weight restrictions on certain streets starting on May 4, 2020; and

WHEREAS, a certified copy of this Ordinance shall be transmitted by the Clerk of the Township of Lebanon, Hunterdon County, New Jersey, to the Commissioner of Transportation within 30 days of its adoption, together with a copy of a statement of the reasons for the Engineer's decision; detailed list as to the location of the streets in question; and

WHEREAS, the County shall be responsible for the installation of the temporary weight restriction signs and the removal of the signs upon completion of the project.

WHEREAS, the County recognizes these roads as country narrow roads and the County providing a truck route;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of Township of Lebanon, in the County of Hunterdon, and State of New Jersey, that the weight restrictions shall be as follows:

*Trucks over 15 tons will be excluded from traveling on Hill Road, Little Brook Road and River Road until the completion of Bridge L-6 on County Route 513;*

*Trucks over 15 tons are hereby required to use the designated Truck Route;*

WHEREAS, the Township of Lebanon finds it in the interest of public safety to establish weight restrictions for both directions of traffic along the roadways; and

BE IT FURTHER ORDAINED that these temporary weight restrictions shall expire upon completion of the project which shall be determined by written Certification by the County Engineer provided to the Municipal Clerk of the Township of Lebanon.

This Ordinance shall take effect immediately upon final passage and publication, according to law.

## **ORDINANCES**

### **Introduction – Ordinance 2020-04 – Acquisition of a Portion of 661 Woodglen Road**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2020-04, on first reading, as entitled below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE NO. 2020-04

AN ORDINANCE AUTHORIZING THE PURCHASE OF A PORTION OF 661 WOODGLEN ROAD (BLOCK 36, LOT 17) IN THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

### **Public Hearing to be held on April 15, 2020**

## **2020 BUDGET INTRODUCTION**

### **Resolution No. 35-2020 - Special Items of General Revenue**

*Motion by Mr. McKee, seconded by Ms. Koehler carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 35-2020 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 35-2020  
SPECIAL ITEMS OF GENERAL REVENUE

WHEREAS, the 2020 Local Municipal Budget was introduced on the 1st day of April, 2020; and,

WHEREAS, during the fiscal year 2020 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$218,728.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2020 Local Municipal Budget include a special item of revenue under the heading of "Special Items of

General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:”

Clean Communities Program-2020	\$24,000
Clean Communities Program-2019 Prior Year Unapprop.	3,876
NJDOT Grant – Hollow Road Guide Rail Replacement	150,000
Recycling Tonnage Grant Prior Year Unapprop.	4,886
Alcohol Education Prior Year Unapprop.	643
Body Armor Prior Year Unapprop.	1,423
NJDEP Grant – Backhoe	31,189
Drunk Driving Enforcement Grant – Prior Year Unapprop.	<u>2,710</u>
	<u>\$218,728</u>

**Resolution No. 36-2020 - 2020 Municipal Budget Introduction**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 36-2020 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 36-2020

WHEREAS, the Township of Lebanon is holding a meeting on April 1, 2020, for the purpose of introducing the 2020 Municipal Budget and conducting other matters; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services that the 2020 Local Municipal Budget be introduced and approved on April 1, 2020.

2020 LEBANON TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 750,000.00
Total Miscellaneous revenue	3,245,550.00
Receipts from Delinquent Taxes	260,000.00
Local Property Taxes	<u>2,696,362.00</u>
Total General Revenues	<u>\$6,951,912.00</u>
Salaries and Wages	\$2,395,308.00
Other Expenses	1,864,865.00
Capital Improvements	850,000.00
Debt Service	806,350.00
Statutory Expenses	586,593.00
Reserve for Delinquent Taxes	<u>448,796.00</u>

Total 2020 Municipal Budget \$6,951,912.00

Municipal Tax Rate \$0.28855

**Public Hearing for the 2020 Municipal Budget will be held on May 6, 2020.**

## **RESOLUTIONS**

There were no resolutions.

## **OLD BUSINESS**

### **Appointment of Police Officers**

Mayor Schmidt stated that several meetings ago the Committee authorized advertising for the hiring of two Police Officers for the Township. The Committee is happy to have two candidates present who were recommended by the Police Chief and interviewed by the Committee.

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee appointed Jessi J. Johnson to the Lebanon Township Police Department, as a full time, 8<sup>th</sup> Class Police Officer.*

Mayor Schmidt provided the Oath of Office for Officer Johnson.

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee appointed Hayden Lechner, to the Lebanon Township Police Department, as a full time, Class II, 9<sup>th</sup> Class Police Officer.*

Mayor Schmidt provided the Oath of Office for Officer Lechner.

### **COVID-19 Update**

Mayor Schmidt stated that the Municipal Offices have been closed to the public as pandemic became closer to home. As of yesterday, there were 4 confirmed cases in Lebanon Township. The Township has expanded the staggering of hours for the DPW employees and the administrative staff. The public seems to be working with the staff as calls and emails have been quiet. Operationally the Township continues to function. The Police Department has not had any Officers quarantined and are working on full staff.

Ms. Koehler stated that she is concerned about the library staff issuing and receiving books. Mayor Schmidt stated that he spoke with the Township Clerk and she said that the staff is following all safety standards available to them. The staff is working to have books picked up and dropped in the parking lot. When the books are returned, they are left to sit for 72 hours before being handled. Mayor Schmidt also noted that it has been said, through the Hunterdon County Health Department, that handling mail is a low risk activity. Mayor Schmidt said that steps are being taken with regard

to social distancing and sanitizing. Mayor Schmidt stated that he feels that the residents are appreciative in being able to have access to the Library materials.

Ms. Koehler asked where the 72-hour rule for handling items came from. Mayor Schmidt stated that there is general guidance on how long the virus lives on certain items and that the Library Clerk researched the guidelines. Ms. Koehler said that based on recent news she is concerned as to whether the books are truly safe for handling by the staff and public.

Ms. Koehler asked Attorney Lyons for his opinion on the matter. Attorney Lyons said that the Government Officials have not stopped the delivery of food and product, which he feels is comparable. Attorney Lyons stated that letter carriers go to many residences daily and unless this should change, he has no science to refute the procedures being followed at the Library.

Mayor Schmidt commended the Library Staff for working in an effort to meet the public's needs.

Ms. Koehler said that she spoke to the DPW Manager today and the employees are all doing well with no reported illnesses. Ms. Koehler noted that Mr. Gabriel is waiting until the pandemic lessens to go out to bid for blacktop.

Ms. Koehler asked Attorney Lyons, if a Library Staff member were to contract the virus could they have a legal case against Lebanon Township? Attorney Lyons stated that the only employees who have airborne pathogen "coverage and recourse" are First Responders. Due to the nature of their job, it is presumed that they contracted it that way. Attorney Lyons noted that based on the information he has received, tonight, on the precautions being taken, such as, social distancing etc., his answer would be no to Ms. Koehler's questions. Attorney Lyons stated that if the facts should change it can be reevaluated.

Mayor Schmidt stated that with regard to closing the Park there is no one size fits all solutions. A park in an urban area has a higher demand as opposed to a park in a more rural, less populated area. Mayor Schmidt noted that the state has not mandated closures of all parks because of their differences. Mayor Schmidt feels that it is not right to close the park on a sunny day and to potentially push the taxpayers to walk along the roadway, which is not safe. The Mayor discussed the situation with the Police Chief and the Officer's will be monitoring the number of people gathering and disburse them when necessary. Ms. Koehler said that she is not asking to close the Park she is suggesting to rope off the playground area and to close the basketball courts as the County has. She feels that the plastic toys could potentially be a problem as well as close contract on the basketball court. Ms. Koehler said that she had spoken with the Administrator about putting a notice on the website. She said she reviewed the notice with Mr. Barberio; however, the notice that was actually placed was watered down. When she asked him why, he said that it is a Committee decision. Ms. Koehler asked for the Committee to take a vote on her suggestion. Ms. Koehler said that she feels that people can make decisions for themselves but the Committee needs to protect the municipal corporation from litigation and to protect the people as well as can be.

*A motion was made by Ms. Koehler and seconded by Mr. Wunder to put signage in the Park stating that the playground area and the basketball courts are temporarily closed. AYES: Wunder, Koehler NAYS: Laul, McKee, Schmidt. Motion failed.*

Mr. Laul asked if he should go and collect all of the toys out of the park. Ms. Koehler said that the Committee voted to keep the playground area open and if you take the plastic toys out there is no playground.

Mr. McKee read a letter from the Fire Chief stating that the Fire Department staff has encountered potential COVID-19 patients but have not heard back about positive tests from the transports. A few days ago, the Township had no COVID-19 patients; however, now there are 4. For each transport the members have been using the PPE as required by their policies and the CDC guidelines. When there is a possible COVID-19 patient transport, the ambulance is decontaminated at the hospital. Once returned to the Township another crew does another decontamination while the first crew showers and changes clothes. At this time no members feel that they have been exposed to COVID-19 in a manner that would require them to be quarantined. There is a second BLS crew that has been added on Tuesday, Wednesday and Thursday to assist the primary ambulance due to the spike in calls from the pandemic. The Department thanked the Committee and OEM for their support. The Committee commended the efforts of the Fire Department as they are working very hard.

Mr. McKee said that he asked the Police Chief if he feels that the members are safe and he was told that they are secure as long as their PPE does not run out. The OEM Coordinator has put in an order for PPE and will continue to do so when necessary.

#### **ADMINISTRATOR UPDATE**

Mr. Barberio said that he is unable to hold the Harassment Training or staff meetings due to social distancing.

Mr. Barberio said that he the Mayor and the Clerk are closely monitoring the Pandemic. He said that we have never experienced something like this before so we will continue to evaluate the situation. Mr. Barberio noted that at this time there is little contact between employees and social distancing is being practiced.

Mr. Barberio said that, with regard to the notice he had placed on the webpage, he did not feel that it was his prerogative to close the park but did mention that the Township may need to change their position as things unfold. The Governor's executive orders may change also mandating that the Park be closed or increased social distancing may be established. Mr. Barberio said that he is trying to follow the Governor's Executive Orders.

Mr. Barberio said that he is very pleased with the way in which the Township employees have been working to keep the Township functioning while being safe. He feels that the Township is handling the Pandemic very well.

#### **Historians**

Mr. McKee received a call from the Vicechair stating that the Historians would like to hold a Zoom meeting. Mr. McKee said that he did not have a problem with it but all members would need to have the ability to be a part of the meeting. Mr. McKee said that this morning he read an article on the FBI Zoom Boom where Cyber Security may be a problem. Mr. McKee contacted Laurie Hoffman and informed her of the problem and said that the Historians need to research Zoom meetings and the risks. Mr. Barberio said that in order for the public to join the meeting they must have the password which leaves the communication technology open to security issues. Attorney Lyons stated that the

Historians are not a statutory board of the Township; therefore, they are not under the same OPMA constraints that the Township Committee, Planning Board and Zoning Board are. Unfortunately, the more sophisticated the technology, which would provide more security, seems to leave the public out. Attorney Lyons said that the Historians can hold the meeting but they need to make it as easily accessible to the public, as possible. They should not authorize the spending of money.

## **NEW BUSINESS**

No New Business

## **PRESENTATION OF VOUCHERS**

Committee Members provided a description of vouchers exceeding \$1000.00.

*Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the March 18, 2020 bill list in the amount \$ 17697.53.*

## **CORRESPONDENCE**

Mayor Schmidt stated that there was a Zoom event held by the Historians last weekend. Mr. David Overraker was scheduled to do an in-person seminar on researching your home so the Historian's transferred it over to a video call in seminar. There were 16 participants and the seminar was well received.

### **a. Curator's Report**

Mr. McKee stated that the Museum will be holding a Woman's Suffrage Tea Party on Saturday October 3<sup>rd</sup> from 1-3:30 pm featuring both Linda Barth, who will be giving her presentation on Alice Paul & the Women's Suffrage Movement, as well as a very special guest speaker, former New Jersey Governor, Christine Todd Whitman.

## **PUBLIC COMMENTS**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:08 p.m. AYES: Koehler, Laul, McKee, Schmidt ABSTAIN: Wunder*

There were no comments from the public.

*Motion by Mr. Laul seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:08 p.m. AYES: Koehler, Laul, McKee, Schmidt ABSTAIN: Wunder*



**EXECUTIVE SESSION - Resolution No. 37-2020**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved Resolution No.37-2020 and convened in executive session at 8:09 p.m. Action is not anticipated. AYES: Koehler, Laul, McKee, Schmidt ABSTAIN: Wunder*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 37-2020**

**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and

the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Committee find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Committee will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

\_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

\_\_\_\_\_Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is:

\_\_\_\_\_Professional Service Contracts\_\_\_\_\_. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or

negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

\_\_\_\_\_Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ Union Contract \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

The public meeting reconvened at 8:34 p.m.

## ADJOURNMENT

Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: May 6, 2020

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Mike Schmidt, Mayor